App. F. IX-4

1927.

File No. 39-27

Previous References (Courts)

No 225-25(1-2)

Serial Nos. 1—4

Later References

PRESERVED

√

General and Revenue Secretariat.

Serial Nos. Four

Part B for September 1927

SUBJECT

Addendum to criminal rule of practice No 86 of 12.4.23 re the preservation of Registers of Summary trials.

G.O. No. 1122 of 24.9.27

Law Regr Cell, Court

Sanctioned

Manasamy Iyer
20/10/27

G. R. S. III -1] 1927-28

GENERAL AND REVENUE SECRETARIAT.

Cts

NOTES.

File No. 39-27

FILE HEADING.

Addendum to criminal Rule of practice no 86 of 12-4-1923 re the preservation of Registers of summary trials.

From

The Registrar, Chief Court

Note No. 55/27-28 Dated 22.7.27 Received 26.7.27

Diary No. 537	Enclos. 1	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that though the Register of summary cases (Register no II) has been abolished, yet the Registers of such cases for years prior to its abolition, have to be preserved permanently in view of the fact that records in summary trials are to be destroyed at the end of 3 years or 10 years and requesting sanction to the accompanying addendum to Criminal Rule of Practice no 86 of 12.4.23 requiring that Summary trial registers should be preserved permanently

NOTES AND ORDERS.

Kind note and draft.

30/7

Kind reference is invited to the G.O. dated 5.5.1926 ~~under Govt~~ sanctioning the abolition of Register no II Criminal Register of Summary Trials (Vol II General Rules and orders - page 19)

D*

NOTES—First Sheet.

WD. 1881—GPB—30 000—1/8/21

General and Revenue Secretariat. File No. 39 of 1927.

Serial No.

and the Rule of practice fixing the periods for preserving the records in summary trials at 10 years and three years.

3) Kind reference is also invited to item 1. Appendix II vol I. General Rules and orders Criminal. page 110. Under item 1., Register of Summary trials is not included.

4) After the issue of the Rule of Practice abolishing Register No II, there is no question of preserving those Registers. But with regard to registers maintained before the issue of the above said R.P. those registers will be the only available record of summary trials as the records are destroyed after 10 or 3 years as the case may be.

5) The Registrar, chief Court, says that these registers may be preserved permanently and that item 1. in Appendix II may be amended by the insertion of the words "Register of Summary Trials" after the words Register of original Cases".

6) This may perhaps be done. Draft &c. remaining is submitted.

Secy L.D.

3/8

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

General and Revenue Secretariat. No. File No. 39 of 1927.

Serial No.

7) Sent in person to the Secy x-d. Remarks to find out whether Register II was a permanent Register before its abolition.

3/8

Ford 8)

In appendix II on page 110 of General Rules and orders (Criminal), it is stated that the Register of original cases, register of appeals, record room registers and the Register of petitions should be preserved permanently. Register no II - Register of Summary trials — seems to be a Register of original cases as the classes of cases triable summarily under section 260 do not find a place in Miscellaneous Register — Register no III If this view is correct, the Register of Summary trials has to be preserved permanently.

The Govt. contd in para 1 of their letter states that the Register of Summary Cases do not find a place in the list of items to be preserved permanently. In which the Case is still bound to be preserved for 3 years under item 19 of Appendix II — Page 110

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

General and Revenue Secretariat.

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Serial No.

It therefore seems that the Hon'ble Court now think that the Registers of summary cases, before its abolition should be preserved permanently. 9)
Put up a draft enquiring for orders. Put up a draft enquiring to the Ch. Ch.

4/8/27 6/8 6/8

10)
Put up with draft.

6/8 for 6/8 11) Done 6/8

2 To the Registrar Chief Court
No P 884 D 11-8-27
Enquiries whether the Registers was a permanent one before its abolition. Seen 7/8

3 From
The Reg'r Chief Court
Letter no Roc 55 D 25-8-27.
States that in item no. 1 - in Appendix II no specific mention of Registers of summary trials is made, that the expression 'original cases' may have reference to all Cases including summary cases and that in his view it is not necessary to preserve the

NOTE—Contn. sheet.

1179

5

App. F. III—2]

General and Revenue Secretariat. | No. File No. 39 of 1927.

Serial No.

amendment proposed and requests that in order to make it clear the words "whether tried regularly or summarily" be added after "original cases" in the said item.

12 Noted with adapt-

8/9/27 13 The issues of the chief Court Consider that item 1. Appendix II (page 110 - vol I. General Rules and orders - Criminal) includes registers of Summary trials also & so withdraw the original recommendation. But with a view to make it clear to the lower courts they propose the addition of the words "whether ~~not~~ tried regularly or summarily" after the words "original cases" in item 1. Appendix II. The recommendation may be sanctioned. Draft go. submd.

12/9

I member)

2112/12/9 4 To the Registrar
No P 1622 d/24-9-27
re Sanctions
The addendum to the Criminal Rules of Practice 1086 d/24.9.1913

10/9/27 13/9/27

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

5 37
P 827

Telgm:
"JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore....22nd July.....*192* 7.

R. O. C. No. 55/27-8 Enc one

US 39-27-1

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. NAGAPPA, Esq., Bar-at-law.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Law Department,
BANGALORE.

Sir,

I am directed to invite reference to Appendix II attached to Criminal Rule of Practice 86 dated 12th April 1913, (printed at page 110, General Rules and Orders - Criminal, Volume I) and to state that under item 1 thereof, the Registers of Original Cases and Appeals are required to be preserved permanently and no mention is made of Registers of Summary Cases (Register No. II). Although Register No. II has now been abolished (Vide: Corrigendum dated 12th May 1926 to Rule of Practice No. 5 of 12th June 1878) and no question arises consequently as to the period of preservation of future summary trial registers, the question of the preservation of the registers, hitherto maintained has to be considered.

Under Addendum dated 12th May 1926 to Rule of Practice No.86, records in summary trials are to be destroyed at the end of 3 years or 10 years. In view of the fact that the entries in the register will be the only available record of summary trials thereafter, the Chief Court considers these registers have to be preserved permanently same as Register No. I.

In

In these circumstances, I am to request that Government may be pleased to accord their sanction to the enclosed addendum to Rule of Practice No. 86, requiring that Summary Trial Registers should be preserved permanently.

I have the honour to be,

Sir,

Your most obedient servant.

KVN/-

REGISTRAR. 23/7/27

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

CRIMINAL SIDE.

Addendum dated the .....

to Rule of Practice 86 dated the 12th April 1913, as amended by addendum dated the 12th May 1926.

The Chief Court directs that the words " Register of summary trials " be inserted after the words " Register of Original Cases " occurring in item 1 of Appendix II.

REGISTRAR.

KVN/-

APP. F. VI. Gl.]

UBJECT.....

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Section Cts

File No. 39-27

Serial No. 2

Diary No. of letter replied to .....

No. 8884

General and Revenue Secretariat

( )

the *192*

To

The Regr Bhuj cant.

Date of issue 11/8/27

Signed by M. T.

Sir

With reference to your letter no Nos 5-5/27-28 & 22/27 re the preservation of Register no II (register of summary trials) I am directed to enquire whether the said Register was a permanent Register before its abolition.

I have etc

S/8

for Secretary

List of enclosures.....

Copied by WW 8/8

Examined by

8/8

over

Telgm:
"JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore...25th August...1927.

R. O. C. Dis. No. 55/27-8

Cts 39-27-3

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. NAGAPPA, Esq., Bar-at-law.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Law Department,
BANGALORE.

Sir,

I am directed to acknowledge the receipt of your letter No. 884/Cts. 39-27-2 dated the 11th August 1927, enquiring whether the Register of Summary Trials (Criminal Register No. II) was a permanent Register before its abolition.

In reply I am to state that item No. 1 in Appendix II attached to Criminal Rule of Practice 86 dated 12th April 1913, runs as follows:-

> " Register of Original Cases, register of appeals, Record Room Registers and the Mysore Gazette- Permanent".

There is no specific mention of Summary Trial Register in the Appendix. The expression " Original Cases" may possibly have reference to all cases in which persons accused of crimes are tried by Criminal Courts of original jurisdiction, whether the cases are summons cases or warrant cases or whether they are tried in a summary way or in a regular way in the manner provided by the Code.

Moreover

Moreover " Original cases " are those cases which are distinguishable from other class of cases such as

(1) Proceedings under Sections 108, 109 and 110 Criminal Procedure Code or other security cases,

(2) Possession cases under Chapter XII

and (3) other Miscellaneous Cases.

In the above view it follows, as a matter of course, that the Register of Summary Cases must be preserved permanently under the existing rule. I am therefore to state that the amendment proposed in my letter dated the 22nd July 1927 is unnecessary.

In order, however, to make it clear to the subordinate courts, I am to add that the addition of the words " whether tried regularly or summarily " after the words " Original Cases " is considered necessary and I am to request that Government may be pleased to accord sanction to the enclosed addendum to Rule of Practice No. 86 dated 12th April 1913.

I have the honour to be,

Sir,

Your most obedient servant.

M Vinnasingam

For R E G I S T R A R.

KVN/-

641

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

CRIMINAL SIDE.

Addendum dated the .....

to Rule of Practice 86 dated the 12th April 1913, as amended by addendum dated the 12th May 1926.

The Chief Court directs that the words "- whether tried regularly or summarily- " be added after the words " Original cases " occurring in item 1 of Appendix II.

M Venkatasubbaiya

for REGISTRAR.

KVN/-

G.R.S. VI G 34]

SUBJECT.....

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Diary No. of letter replied to.....

Section 6

File No. 39-27

Serial No. 4

General and Revenue Secretariat

( )

, *the* 192 .

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue.... 24/9/27

Signed by.....

Read— Correspondence ending with Letter no. Rec 557 L7-28 dt 25/8/27 from the Registrar, Court of Small Causes according to item no 1 - Appendix II - criminal Rule of Practice no 86 dt 12-4-1913, Summary trial Registers have to be preserved permanently - as the expression "original cases" may include original cases tried summarily also it is necessary to make the point clear ~~and Order Thereon No~~. representing sanction to the accompanying addendum to Criminal Rule of Practice no 86 dt 12-4-1913 adding the words "whether tried regularly or summarily" after the words "original cases" in the said item

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

order

Sanctioned P/622 Encl one

24/9/27

Law Secy

8/9 24/9 2 Registrar Small Causes Court